

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IN RE:

SECURITIES AND EXCHANGE
COMMISSION,

Case No. 12-cv-15062

Plaintiff,

vs.

Hon. Thomas L. Ludington

JOEL I. WILSON, et al..

Defendants.

/

**RECEIVER'S FINAL REPORT AND REQUEST FOR
ORDER DISSOLVING RECEIVERSHIP**

NOW COMES Randall L. Frank, Receiver, who submits to this Court his Final Report in his status as Receiver, and further requests that this Court dissolve the Receivership and discharge the Receiver from any further duties, stating as follows:

- (1) At the hearing before this Court on December 13, 2019, the Receiver had requested entry of orders approving the final applications of all professionals, and the Court granted said relief because the Receiver had assured the Court that all duties of the Receiver would have been finalized on or before January 24, 2020.
- (2) However, because of unexpected intervening events, the Receiver was unable to close the Receivership on or before January 24, 2020, but now is able to do so as all restrictions to closing the case have been satisfied and/or removed.
- (3) Attached hereto is a summary of all cash receipts and disbursements from January 24, 2013 through February 29, 2020.
- (4) The attached summary reflects that the estate now has the total sum of \$21,082.65 on hand which the Receiver defines for these purposes as a "Closure Reserve".
- (5) The purpose of the Closure Reserve is to fund any final tax obligations associated with the Receivership including accounting fees for preparing 2020 tax returns, miscellaneous incidental expenses and funds still held by Receiver for investors who filed claims, but whose checks were never cashed or whose mail with the claim check was returned undeliverable.

- (6) In the Closure Reserve, there is approximately \$14,000 of investor funds that the Receiver has been unable to disburse, but which the Receiver will deliver upon locating said investors.
- (7) Once the Receiver determines that all expenses of the Receivership have been satisfied and certain investor funds remain unclaimed, those remaining funds in the Closure Reserve will be turned over to the United States Securities and Exchange Commission for its disposition of same.
- (8) Other than filing final tax returns for 2019, and perhaps 2020, and locating investors with unclaimed funds, the Receiver has performed all duties and responsibilities assigned to him pursuant to the original order appointing him as Receiver entered on January 24, 2013, and as amended.
- (9) The Receiver may also have additional expenses from disposing books and records of the Receivership Defendants in possession of Receiver as the Receiver knows of no one to whom these books and records are to be turned over or released.
- (10) The Securities and Exchange Commission, through its counsel, was provided a proposed copy of this Final Report and order and approved the filing of same.
- (11) The Receiver requests entry of an order dissolving the Receivership, finding as follows:
 - (a) Dissolves the receivership;
 - (b) Discharges the Receiver and his professionals and provides appropriate releases to them;
 - (c) Establishes a Closure Reserve;
 - (d) Makes any other provision that the Receiver deems necessary or appropriate to facilitate the closure of the estate or carry out the provisions of the order appointing the Receiver; and
 - (e) Closes this civil action.

WHEREFORE, Randall L. Frank, Receiver, requests that this Court accept his Final Report, and enter an order discharging him as Receiver and dissolving this Receivership and for whatever other and further relief the Court may deem just and equitable.

/s/ Randall L. Frank

Dated: March 10, 2020

Randall L. Frank (P33189)
Receiver
P.O. Box 2220
Bay City, MI 48707-2220
(989) 893-2461
randall.frank@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been properly forwarded to all counsel of record via the ECF Filing System, per the Federal Rules of Civil Procedure, on this 10th day of March, 2020.

/s/ Randall L. Frank

SUMMARY OF CASH RECEIPTS AND DISBURSEMENTS**JANUARY 24, 2013 THROUGH FEBRUARY 29, 2020**

	TOTAL	%
Cash Receipts		
Land Contract Payments:	\$ 499,445.31	11.34%
Rental Payments:	1,389,476.19	31.56%
Property Sales & Land Contract Pay Offs:	2,145,068.89	48.72%
Security Deposits:	65,613.00	1.49%
Insurance Refunds:	40,966.69	0.93%
Interest Income:	4,929.77	0.11%
Loan Proceeds 1st State Bank:	184,751.41	4.20%
Sterne Agee Proceeds:	55,014.43	1.25%
Other Misc Proceeds:	<u>18,032.99</u>	<u>0.41%</u>
Total Cash Receipts	<u>\$ 4,403,298.68</u>	<u>100.00%</u>
Cash Disbursements		
Advertising	\$ 10,312.96	0.23%
Accounting & Professional Fees	148,601.75	3.37%
Court & Legal Fees	352,894.32	8.01%
Distributions to Investors	962,800.92	21.87%
Insurance - Business	9,924.00	0.23%
Interest Expense	27,718.74	0.63%
Loan Origination Fees	14,098.85	0.32%
Office Expense	24,753.12	0.56%
Permits & Licenses	15,262.58	0.35%
Property Appraisal & Inspection Fees	46,713.95	1.06%
Property Closing & Settlement Fees	271,854.42	6.17%
Property Insurance Exp	156,565.75	3.56%
Property Management Fees	310,120.12	7.04%
Property Repairs & Maintenance	566,082.47	12.86%
Property Taxes	586,566.71	13.32%
Property Utilities	150,178.47	3.41%
Receiver Fees	531,647.00	12.07%
Rental Income Transfer	1,670.34	0.04%
Repayment of Loan Proceeds	184,751.41	4.20%
Security Deposit Refunds & Transfers	30,236.65	0.69%
Taxes - Income Tax	<u>523.97</u>	<u>0.01%</u>
Total Disbursements	<u>\$ 4,403,278.50</u>	<u>100.00%</u>
Net Cash Increase (Decrease)	<u>\$ 20.18</u>	<u>0.00%</u>

Reconciliation To Bank Accounts

Beginning Bank Balances Jan 24, 2013	\$ 21,062.47
Net Increase	20.18
Ending Bank Balances Feb 29, 2020	<u>\$ 21,082.65</u>

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**ORDER ACCEPTING RECEIVER'S FINAL REPORT,
DISCHARGING RECEIVER AND DISSOLVING RECEIVERSHIP**

The Court having approved the Receiver's Final Report and the Court being otherwise advised in the premises:

IT IS ORDERED that Randall L. Frank (the "Receiver") is discharged as Receiver with the effect that the Receiver, his employees, agents, professionals, contractors, attorneys, accountants, and any and all other persons who acted on behalf of the Receiver, are hereby discharged and released of any and all claims, obligations and liabilities, arising from or relating to the activities, conduct, acts, omissions, decisions, management and operation of the Receivership Defendants and this release shall extend to any actions by the Receiver for post-dissolution activities consistent with the final report submitted by the Receiver.

IT IS FURTHER ORDERED that the Receiver may retain the sum of \$21,082.65, as his Closure Reserve as defined in the Receiver's Final Report and upon completion of all tasks in the discretion of the Receiver as set forth in the Final Report, any remaining funds in the Closure Reserve shall be turned over to the United States Securities and Exchange Commission.

IT IS FURTHER ORDERED that the Clerk is directed to close this civil action.